

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Rachel Kaltenbach, <i>et al.</i> ,	:	
	:	Case No. 2:23-cv-00187
Plaintiffs,	:	
	:	Judge Michael H. Watson
v.	:	
	:	Magistrate Kimberly A. Jolson
Hilliard City Schools Board of	:	
Education, <i>et. al.</i> ,	:	
	:	
Defendants.	:	

PLAINTIFF'S MOTION FOR PROTECTIVE ORDER AND
LEAVE TO PROCEED ANONYMOUSLY

Pursuant to *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004) Plaintiff moves the Court to grant a protective order and for leave for the Plaintiff's minor children to proceed anonymously. The reasons supporting this Motion are contained in the Memorandum in Support below.

MEMORANDUM IN SUPPORT

Each case proceeds under an assumption that a complaint must state the names of all the parties. Fed. R. Civ. P. 10(a). However, the Court "may excuse plaintiffs from identifying themselves in certain circumstances." *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004). To determine whether a plaintiff's privacy interests outweigh the presumption in favor of openness, the United States Court of Appeals for the Sixth Circuit has identified factors to consider, including:

(1) whether the plaintiffs seeking anonymity are suing to challenge governmental activity; (2) whether prosecution of the suit will compel the plaintiffs to disclose information 'of the utmost intimacy'; (3) whether the litigation compels plaintiffs to disclose an intention to violate the law, thereby risking criminal prosecution; and (4) whether the plaintiffs are children."

Id. (citing *Doe v. Stegall*, 653 F.2d 180, 185-86 (5th Cir. 1981).

First, Plaintiffs are suing to challenge governmental activity. Plaintiffs alleges that the Defendant District's acts and policy violate their rights to equal protection, due process, freedom of conscience, and illegally expose the parents to legal liability. (Compl. generally, ECF No. 1).

Second, the names of Plaintiff's children are of the utmost intimacy. Plaintiff Senchesak's child has undergone tremendous trauma, leading to an attempted suicide. Thus, allowing this Plaintiff to pursue her rights, while reducing this child's exposure to the public is in everybody's interest, so that the child may suffer as little aggravation to her trauma as possible. As to the other Plaintiff's children, they have each been subjected to harassment and direct threats, as a result of this lawsuit, from multiple members of the local community.

Third, the fourth factor specially allows children to remain anonymous. Thus, this factor weighs heavily in favor of granting Plaintiff's Motion.

For the reason above, Plaintiff ask the Court to grant a protective order and for leave for the Plaintiff's minor children to proceed anonymously.

April 3, 2023

Respectfully Submitted,

/s/ Joshua J. Brown

Joshua J. Brown (0089836)

Attorney at Law

3979 Main Street

Hilliard, OH 43026

P: (614) 383-8886

josh@joshbrownesq.com

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on April 3, 2023, a copy of the preceding PLAINTIFF'S MOTION FOR PROTECTIVE ORDER AND LEAVE TO PROCEED ANONYMOUSLY was served by email in accordance with Fed.R.Civ.P. 5(b)(2)(E) delivery to the following:

Jessica K. Philemond (0076761)

Scott Scriven LLP

250 East Broad Street, Suite 900

Columbus, OH 43215

614-222-8686

jessica@scottscrivenlaw.com

Attorney for Defendants

Brandon Abshier (0083505)

Michael J. Valentine (0038806)

REMINGER CO., LPA

200 Civic Drive, Suite 800

Columbus, OH 43215

babshier@reminger.com

mvalentine@reminger.com

P: 614-232-2422

Attorney for Defendants

/s/ Joshua J. Brown

Joshua J. Brown (0089836)